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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/392,018	09/08/1999	PETER B. MADOFF	10575/004001	9462

7590 04/22/2002

DENIS G MALONEY  
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EXAMINER

THOMPSON JR, FOREST

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 04/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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FISH & RICHARDSON, P.C.  
BOSTON OFFICE

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## Interview Summary

Application No.

09/392,018

Applicant(s)

MADOFF ET AL.

Examiner

Forest O. Thompson Jr.

Art Unit

2165

All participants (applicant, applicant's representative, PTO personnel):

(1) Forest Thompson.

(3) Dennis Maloney(617-521-7821) & others.

(2) Wynn Coggins.

(4) \_\_\_\_.

Date of Interview: 11 April 2001.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_.

Claim(s) discussed: 1-30.

Identification of prior art discussed: Rickard et al. (U.S. Patent No. 6,016,483), and Chan et al.: "Market structure and the intraday pattern of bid-ask spreads for NASDAQ securities;" Journal of Business, v68, n1, p36(26); January 1995

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.


Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview(if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Maloney (and others) described the invention with respect to pertinent points that he feels determines patentability. Claim 1 was discussed reference patentability over Rickard et al. and Chan et al. Comments of Ms. Coggins and Mr. Thompson indicated that the claim 1 language does not explicitly differentiate the invention over the Rickard et al. as currently claimed, and that an amendment would be necessary to do so. They do agree that Chan et al. does not disclose the invention as claimed in claim 1. The applicant was asked to contact Mr. Thompson to discuss the claim language, as appropriate, and to submit an amendment that more explicitly differentiates over Rickard. Applicant stated that they may go to an Appeal process rather than an amendment..

  
WYNN COGGINS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

## Thompson, Forest

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From: moosey@fr.com  
Sent: Monday, April 08, 2002 2:16 PM  
To: forest.thompson@uspto.gov  
Subject: Application Number: 09/392,018

Forest,

The following are questions from Denis Maloney for Thursdays telecon. Please let me know if you have any questions.

Thanks, Tony

1. Describe how Richard et. al (column 6 line 46-column 7, line 17) teaches or describes an allocation message communicating an expected allocation.

2. Describe the relevancy in Chan that "individual leaders *market makers* can elect to post bids and offers that either match or lie away from the inside quotes" and "in the case of large order imbalances, indicative quotes must be disseminated" to posting an allocated message to communicate expected allocations. *telling mm*

3. Describe how determining post-opening desired target positions are relevant to opening positions.

Anthony T. Moosey  
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NOTE: This e-mail is intended for the addressee(s) only and may contain privileged or confidential information. If you have received this e-mail in error, please notify us immediately by e-mail or by calling us collect at (617) 542-5070.

**Attachment for PTO-948 (Rev. 03/01, or earlier)**  
**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes **incorporated** therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.